

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claim 1 has been amended above to incorporate the limitations of dependent claim 19 and the intervening claims from which claim 19 depended. Therefore, amended claim 1 corresponds to claim 19 re-written in independent form. It is respectfully urged that no new issues are raised by the amendment to claim 1, because it simply corresponds to claim 19 re-written in independent form. It is further respectfully submitted that the proposed amendment reduces issues on appeal by mooted the Examiner's §102 rejections. The amendment of claim 1 above to incorporate claim 19 and intervening claims is made without prejudice to pursuing the subject matter of previously presented claim 1 and/or any of the claims dependent therefrom in a continuing application.

Claims 1, 3-9, 12-14, 16, 21, 22 and 36 were rejected under 35 USC 102(e) as being clearly anticipated by Laufer. Applicant respectfully traverses this rejection. However, this rejection has been mooted by the amendment to claim 1 above.

Claims 1, 2, 4, 5, 7-9, 12, 13, 15-17, 21, 22 and 36 were rejected under 35 USC 102(b) as clearly anticipated by Wilk. Applicant respectfully traverses this rejection. However, this rejection has been mooted by the amendment to claim 1 above.

Claims 1, 9, 10 and 11-19 were rejected under 35 USC 103(a) as being unpatentable over Laufer in combination with Wilk and Brosens et al. Applicant respectfully traverses this rejection.

Previously presented claim 19, now incorporated with intervening claims into amended claim 1, specifically provides that the endoscopic needle knife device used to cut the target wall segment and advanced through the incision includes an inflatable balloon that is inflated to dilate the incision after the endoscopic knife device is inserted

through the incision. None of the prior art references cited by the Examiner against previously presented claim 19 teaches or suggests the use of an inflatable balloon to dilate the incision in the target wall segment, much less a needle-knife device having an inflatable balloon provided adjacent the distal end of the needle-knife conduit.

Indeed, as acknowledged by the Examiner, Wilk does not teach or suggest the use of balloons. Brosens teaches a retractor section 32/96 that may be balloon, but it is expanded solely to prevent the retractor/cannula from being dislodged from the vaginal wall. Brosens does not teach or suggest the use of a balloon for dilating an incision, much less a balloon mounted on the distal end of a needle-knife cannula of a needle-knife device. Laufer teaches a balloon anchor 52/54 in Figure 4 and an inflation member 40 having a perforation element 42 that is apparently inverted before deployment as shown in Figure 1 and everted after perforation of the wall. As clearly disclosed in Laufer, however, only a part 44 of inflation member 40 assumes a shape larger than the diameter of the hole and this is for anchoring purposes. There is no teaching or suggestion whatsoever of using inflation member 40 to dilate an incision formed in wall 30. Thus, Laufer does not teach or suggest dilating an incision with an inflatable balloon, much less with an inflatable balloon provided near a distal end of a conduit for retractably receiving a needle knife. Indeed, although Laufer teaches a perforating element 42 on an inflatable member 40, there is no teaching whatsoever of a retractable needle knife and needle knife device as required by applicant's amended claim 1, so that the combined teachings of the three references cited by the Examiner would still not anticipate nor render obvious the invention specified in applicant's independent claim 1.

In view of the foregoing, reconsideration and withdrawal of the Examiner's rejection based on Laufer, Brosens and Wilks with respect to claim 19 as now incorporated in claim 1 is respectfully requested.

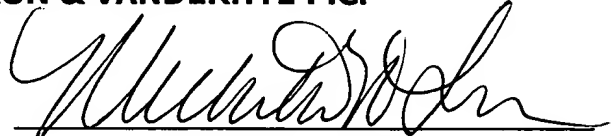
KALLOO et al
Appl. No. 09/815,336
February 7, 2007

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

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